

BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2012-7

MASTER FUME, INC
1868 Del Amo Blvd., Suite D
Torrance, CA 90501
EDUARDO SANTILLAN/ PRS and former QM
EDUARDO SANTILLAN, JR/ current QM
Company Registration Certificate No. PR 5604

And

EDUARDO SANTILLAN
1868 Del Amo Blvd., Suite D
Torrance, CA 90501
Operator License No. OPR 10743

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the
Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on May 8, 2014.

IT IS SO ORDERED April 8, 2014.



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216596
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-7

12 **MASTER FUME, INC.**
1868 Del Amo Blvd., Suite D
13 Torrance, CA 90501
14 **EDUARDO SANTILLAN, PR**
EDUARDO SANTILLAN, JR., QM
Company Registration Certificate No.
15 PR 5604

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 and

17 **EDUARDO SANTILLAN**
1868 Del Amo Blvd., Suite D
18 Torrance, CA 90501
Operator License No. OPR 10743
19

20 Respondents.

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 I. William H. Douglas (Complainant) former Interim Registrar/Executive Officer of the
26 Structural Pest Control Board, brought these actions solely in his official capacity. Susan Saylor
27 is the current Registrar/Executive Officer of the Structural Pest Control Board. She maintains
28 these actions solely in her official capacity and is represented in this matter by Kamala D. Harris,

1 Attorney General of the State of California, by Alvaro Mejia, Deputy Attorney General.

2 2. Master Fume, Inc. and Eduardo Santillan (collectively "Respondents") are
3 representing themselves in this proceeding and have chosen not to exercise their right to be
4 represented by counsel.

5 3. On or about May 8, 2008, the Structural Pest Control Board issued Company
6 Registration Certificate No. PR 5604, in Branch 1 to Respondent Master Fume, Inc. with Michael
7 Rodríguez as President and Eduardo Santillan as the Qualifying Manager. On or about April 12,
8 2012, Respondent Eduardo Santillan became president of Master Fume, Inc. On or about July 16,
9 2012, Eduardo Santillan, Jr. became qualifying manager of Master Fume, Inc. The license was in
10 full force and effect at all times relevant to the charges brought herein.

11 4. On or about June 6, 2003, the Board issued Operator's License No. OPR 10743
12 (license), in Branch 1 to Respondent Eduardo Santillan. Operator's License No. OPR 10743 was
13 in full force and effect at all times relevant to the charges brought herein and will expire on June
14 30, 2014, unless renewed.

15 JURISDICTION

16 5. Accusation No. 2012-7 was filed before the Structural Pest Control Board (Board),
17 Department of Consumer Affairs, and is currently pending against Respondents. The Accusation
18 and all other statutorily required documents were properly served on Respondents on August 3,
19 2012. Respondents timely filed Notice of Defenses contesting the Accusation.

20 6. A copy of Accusation No. 2012-7 is attached as Exhibit A and incorporated herein
21 by reference.

22 ADVISEMENT AND WAIVERS

23 7. Respondents have carefully read, and understood the charges and allegations in
24 Accusation No. 2012-7. Respondents have also carefully read, and understand the effects of this
25 Stipulated Settlement and Disciplinary Order.

26 8. Respondents are fully aware of their legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
28 their own expense; the right to confront and cross-examine the witnesses against them; the right

1 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
2 compel the attendance of witnesses and the production of documents; the right to reconsideration
3 and court review of an adverse decision; and all other rights accorded by the California
4 Administrative Procedure Act and other applicable laws.

5 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 **CULPABILITY**

8 10. Respondents admit the truth of each and every charge and allegation in Accusation
9 No. 2012-7.

10 11. Respondents agree that the Company Registration Certificate and Operator's License
11 are subject to discipline and agree to be bound by the Board's probationary terms as set forth in
12 the Disciplinary Order below.

13 **CONTINGENCY**

14 13. This stipulation shall be subject to approval by the Structural Pest Control Board.
15 Respondents understand and agree that counsel for Complainant and the staff of the Structural
16 Pest Control Board may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondents or their counsel. By signing the
18 stipulation, Respondents understand and agree that they may not withdraw their agreement or
19 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board
20 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
25 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
26 effect as the originals.

27 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

5 16. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Board may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 5604 issued to
10 Respondent Master Fume, Inc. and Operator's License No. OPR 10743 issued to Respondent
11 Eduardo Santillan are revoked. However, the revocations are stayed and Respondents are placed
12 on probation for three (3) years on the following terms and conditions.

13 1. **Actual Suspension.** Company Registration Certificate No. PR 5604 and Operator's
14 License No. OPR 10743 issued to Master Fume, Inc. and Eduardo Santillan, respectively, are
15 suspended for ten (10) consecutive business days beginning the effective date of the Decision and
16 Order adopting this stipulation. Respondents are allowed to pay a civil penalty of \$2,000 in lieu
17 of an actual suspension, due prior to the effective date of the Decision and order adopting this
18 stipulation.

19 2. **Obey All Laws.** Respondents shall obey all federal, state and local laws and all laws
20 and rules relating to the practice of structural pest control.

21 3. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during
22 the period of probation.

23 4. **Tolling of Probation.** Should Respondents leave California to reside outside this
24 state, Respondents must notify the Board in writing of the dates of departure and return. Periods
25 of residency or practice outside the state shall not apply to reduction of the probationary period.

26 5. **Notice to Employers.** Respondents shall notify all present and prospective
27 employers of the decision in Case No. 2012-7 and the terms, conditions and restriction imposed
28 on Respondent by said decision.

1 Within 30 days of the effective date of this decision, and within 15 days of Respondents
2 undertaking new employment, Respondents shall cause his employer to report to the Board in
3 writing acknowledging the employer has read the decision in Case No. 2012-7.

4 **6. Notice to Employees.** Respondents shall, upon or before the effective date of this
5 decision, post or circulate a notice to all employees involved in structural pest control operations
6 which accurately recite the terms and conditions of probation. Respondents shall be responsible
7 for said notice being immediately available to said employees. "Employees" as used in this
8 provision includes all full-time, part-time, temporary and relief employees and independent
9 contractors employed or hired at any time during probation.

10 **7. Posted Notice of Suspension.** Respondent Master Fume, Inc. shall prominently post
11 a suspension notice provided by the Board of the Board's order of suspension at its principal
12 office and each of its branch offices in a place conspicuous and readable to the public. Said notice
13 shall remain so posted during the entire period of actual suspension.

14 **8. Completion of Probation.** Upon successful completion of probation, Respondents'
15 Company Registration Certificate and Operator's License will be fully restored.

16 **9. Violation of Probation.** Should Respondents violate probation in any respect, the
17 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and
18 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
19 Respondents during probation, the Board shall have continuing jurisdiction until the matter is
20 final, and the period of probation shall be extended until the matter is final.

21 **10. Random Inspections.** Respondents shall reimburse the Board for one random
22 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per
23 inspection.

24 **11. Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
25 **Manager.** Respondent Eduardo Santillan is prohibited from serving as an officer, director,
26 associate, partner, qualifying manager or branch office manager of any registered company other
27 than Master Fume, Inc. during the period that discipline is imposed on Company Registration
28 Certificate No. PR 5604 and Operator License No. 10743.

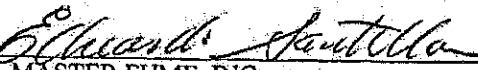
1 12. No Interest In Any Registered Company. Respondent Eduardo Santillan shall not
2 have any legal or beneficial interest in any company registered by the Board other than Master
3 Fume, Inc. during the period that discipline is imposed.

4 13. Cost Recovery. Pursuant to Section 125.3 of the California Business and Professions
5 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of
6 \$4,012.86 according to a payment schedule that has been approved by the Board, with payments
7 to be completed no later than six (6) months prior to the end of the probation term. Failure to
8 make a timely payment according to the payment schedule, and/or failure to complete payment of
9 cost recovery, shall constitute a violation of probation, which may subject Respondents' licenses
10 to outright revocation. Probation shall not be terminated until all costs are paid in full.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand
13 the stipulation and the effect it will have on my Company Registration Certificate. I enter into
14 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
15 agree to be bound by the Decision and Order of the Structural Pest Control Board.

16
17 DATED: 11/26/2013


MASTER FUME, INC.,
EDUARDO SANTILLAN, PRESIDENT
Respondent

18
19
20 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand
21 the stipulation and the effect it will have on my Operator's License. I enter into this Stipulated
22 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
23 bound by the Decision and Order of the Structural Pest Control Board.

24
25 DATED: 11/26/2013


EDUARDO SANTILLAN
Respondent

26
27 ///

ENDORSEMENT

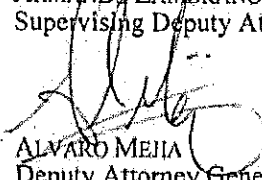
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Consumer Affairs.

Dated:

12-03-2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


ALVARO MEJIA
Deputy Attorney General
Attorneys for Complainant